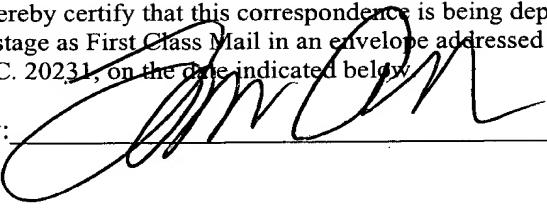




Docket No.: GR 98 P 1801 C

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

By: 

Date: July 23, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kai Wurster et al.  
Applic. No. : 09/363,277  
Filed : July 28, 1999  
Title : Trench Capacitor with an Insulation Collar and Method for Producing a Trench Capacitor  
Examiner : Jennifer M. Kennedy Art Unit: 2812

REQUEST FOR RESCISSION OF ABANDONMENT

Hon. Commissioner of Patents and Trademarks, **RECEIVED**  
Washington, D. C. 20231

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Sir:

TECH 2800  
SP5-2800 ENTER

Counsel has received a *Notice of Abandonment* dated July 15, 2002, in the above-identified application. A copy of the *Notice of Abandonment* is enclosed herewith. It is stated therein that no response has been received in the Patent Office to an Office Action dated January 9, 2002. However, counsel never received an Office Action dated January 9, 2002. Applicants herewith state that a thorough search of the file was conducted as a result of which it can be stated with certainty that no Office Action dated January 9, 2002 was received in the above-identified application. In support of that statement, applicants herewith submit the following:

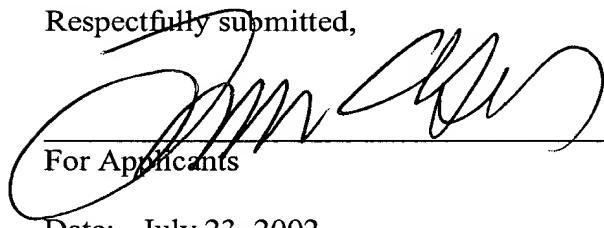
- a copy of the file jacket of this application in which the receipt of the Office Action and the due date for response would normally have been entered; (exhibit A)
- a copy of counsel's docket book of April 9, 2002, the date on which the response would have been due had the Office Action indeed been received; (exhibit B)

- a declaration by counsel's docket clerk corroborating the averment that the Office Action dated January 9, 2002 was never received.

In view of the foregoing, applicants request that the *Notice of Abandonment* be rescinded and that the application be restored to pending status. Furthermore, applicants request that a new Office Action be issued setting a new due date for response.

Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



---

For Applicants

LAURENCE A. GREENBERG  
REG. NO. 29,308

Date: July 23, 2002

Lerner and Greenberg, P.A.  
P.O. Box 2480  
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,277	07/28/1999	KAI WURSTER	GR.98P.1801.	7931

7590 07/15/2002

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EXAMINER

KENNEDY, JENNIFER M

ART UNIT

PAPER NUMBER

2812

DATE MAILED: 07/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Notice of Abandonment</b>	Application No.	Applicant(s)
	09/363,277	WURSTER ET AL.
	Examiner Jennifer M. Kennedy	Art Unit 2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 09 January 2002.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

John F. Niegling  
Supervisory Patent Examiner  
Technology Center 2800

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Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.